IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14843 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

TIRATH NARENDRABHAI PANDYA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 14843 of 2003

MR JAYANT P BHATT for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 16/10/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri N.J. Shah appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The grievance of the petitioner is that his date of birth was initially recorded incorrectly as 26.5.1976 on the basis of his school leaving certificate in the passport, which was issued to him (No. A-0430739). Thereafter the petitioner has come to know that his correct date of birth is 26.9.1976 as recorded in the Register of Births and Deaths maintained under the provisions of Registration of Births and Deaths Act, 1969.

3. In the circumstances, the petitioner wants that his correct date of birth be recorded in the passport, which might be issued to him.

4. In pursuance of notice issued by this Court, learned advocate Shri N.J. Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which had been issued to the petitioner, it was stated that the petitioner was born on 26.5.1976. However, it has been submitted that if the petitioner submits an application for making corrections, his application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct date of birth of the petitioner is 26.9.1976, a new passport stating the correct date of birth shall be issued to him.

5. Learned advocate Shri Shah has also submitted that possibly the name of the petitioner was not written in the birth certificate. As name of the petitioner appears to have been written subsequently and, therefore, possibly the respondent authority might call for a certified copy of the birth certificate from the concerned authority. Needless to say that it would be open to the authority to make all enquiry including that of getting a certified copy of the birth certificate from the concerned authority.

6. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born on 26.9.1976. If the authority is satisfied that the correct date of birth of the petitioner is 26.9.1976, I am sure that the authority shall issue a new passport recording correct date of birth.

7. In the instant case, only on account of incorrect information given by the petitioner to the respondent, the date of birth was recorded as 26.5.1976. The respondent authority will have to issue a new passport if it is found that the date of birth stated by the petitioner while applying for his passport was incorrect. The respondent authority will be put to difficulties because of a mistake committed by the petitioner and therefore the petitioner is directed to pay a sum of Rs.5,000/- by way of costs to the respondent.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

(A.R. Dave, J.)

(hn)